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EXAMINER

MAI, TRI M

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

3727

Part of Paper No./Mail Date 20051010

DETAILED ACTION

1. Claims 23-34 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.

2. The amendment filed 08/12/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The specification is objected for having a new embodiment. This is a new matter.

Applicant is required to cancel the new matter in the reply to this Office Action.

3. The proposed drawings dated 01/15/04 has been disapproved for showing new matter. Inter alias, the original disclosure does not support the following:

The extent of portion 42, and the width of portion 42

The thickness of portions 55, 56, 11, 15, and the dimension of portions 8 and 9 are not consistent with the disclosure.

4. In view of the disapproval of the drawings, the drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the drawings must show every feature of the invention specified in the claims. Therefore, the printed material in claim 1, the various coating material must be shown, the adhesive in claim 1, and the uncoated stripe going through the knock-outs, the coating on the panel having the punch scores in claim 3 on the first panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. Claims 1-14, 18-22, and 35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 1, the original disclosure does not teach the knockout being defined by an absent of any coating material. This is a new matter rejection.

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6. Claims 3, 14, 18-22, and 35 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, it is unclear where is the coating material on the first panel. The new proposed figure 10 does not show this either.

Claim 14 recites a plurality of knockout defines by the lack of coating material. However, the claim recites an uncoated stripe extending through the knockouts. The result of the uncoated stripe would result in one uncoated knockout area, not a plurality of knockout as previously recited. Furthermore, it seems that the blank does not container adhesive, only on the final container.

7. As best understood view of the 112 matters above, claims 14, 18, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttery (3281054) in view of Buttery (3281059). Buttery '054 teaches a blank with coatings on both sides (col. 5, ln. 5-10; col. 4; ln. 40-75). Note the excluding the areas on the adhesive strip (col. 5, ln. 7) and on the outer portion at the glue areas (col. 4, ln. 71). Buttery does not mention the cut score extending only partially through the thickness. Buttery '059 teaches that it is known in the art to provide cut score extending partially through the thickness (col. 5, ln. 11). It would have been obvious to one of ordinary skill in the art to provide the cut score extending partially through the thickness to open the container more easily.

Buttery '059 further teaches the plurality of uncoated knockouts can be substitute by a stripe 17 (col. 4, ln. 46, 63). It would have been obvious to one of ordinary skill in the art to provide a stripe in Butter 054 as taught by Buttery 059 to provide the an alternative sealing strip.

Regarding claim 18, it would have been obvious to one of ordinary skill in the art to provide the punch score $\frac{1}{2}$ of the thickness to provide the desired depth of the punch score.

8. As best understood view of the 112 matters above, claims 11, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thresher et al. (5947368) in view of Buttery (3281059). In Fig. 25, Thresher teaches a blank with coating with a first panel 24, and second panel 60. Thresher states that area 220 is patterned out of the artwork so that releasable lock tab. Thresher does not mention portion 24 is coated. Buttery 059 teaches that it is known in the art to provide coating on the entire outside of the blank except the glue area. It would have been obvious to one of ordinary skill in the art to provide coatings except portions 300 to enhance security. Furthermore, It would have been obvious to one of ordinary skill in the art to provide cut score extending partially through the thickness at portions 300 to open the container more easily.

Regarding claim 19, panel 24 is the adhesive panel as claimed.

9. Claims 14, and 18-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Cassidy (5029714). Cassidy teaches a first and second panels 34 and 28. The first panel having a plurality of punch scores extending half way. A second panel having a surface at least being partially coated with a coating material (abseal areas 46), and knockouts (absent of abseal) on portions 50 and the white areas above portions 50.

With respect to the stripe, portion 50 and the white areas above portions 50 together resemble a stripe area going through the scores across lines 52.

10. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cassidy (5029714) in view of Kienlen (2259822). It would have been obvious to one of ordinary skill in

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the art to provide adhesive being applied in a straight line in Cassidy to facilitate manufacturing of the container easily.

11. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buttery(3281054) in view of Buttery (3281059), and further in view of Hopwood et al. (4643315). Buttery '054 teaches a blank with coatings on both sides (col. 5, ln. 5-10; col. 4; ln. 40-75). Note the excluding the areas on the adhesive strip (col. 5, ln. 7) and on the outer portion at the glue areas (col. 4, ln. 71). Buttery does not mention the cut score extending only partially through the thickness. Buttery '059 teaches that it is known in the art to provide cut score extending partially through the thickness (col. 5, ln. 11). It would have been obvious to one of ordinary skill in the art to provide the cut score extending partially through the thickness to open the container more easily.

It is noted that the inside can be coated with releasable coating such as wax (col. 5, ln. 25), and ink in solid color.

With respect to the print inside, it would have been obvious to one of ordinary skill in the art to provide the printing inside in Buttery '054 as taught by Hopwood to provide instruction.

12. Claims 1, 2, 3, and 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over Struble (3187976) in view of either Buttery et al. (3281059) or Buttery et al. (3281054). Struble teaches a blank having a joint including a first panel 52 having a plurality of punch scores 60 extending only partially through the thickness (col. 2, ln. 26), a second panel 52 having a plurality of knockouts 58, and a coating (col. 2, ln. 24). Struble meets all claimed limitations except for knockouts are defined by the absent of the coating. Either Buttery '059 or Buttery '054 teaches that it is known in the art to provide a coating for a container except at the isolated

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adhesive area. It would have been obvious to one of ordinary skill in the art to provide knockouts at the adhesive area in Struble as taught by Buttery to facilitate better bonding.

With respect to the printed material on the inside, It would have been obvious to one of ordinary skill in the art to provide the printed material, i.e., the solid ink coating, on the inside in Struble as taught by Buttery '054 or Buttery '059 to provide the desired information for the contents and to provide additional information on the inside of the container.

13. Applicant's arguments filed have been fully considered but they are not persuasive. The amended claims contain new matter and do not overcome the prior art as set forth above.

With respect to the objection to the specification, the amendment to the specification adds specificities to the application including the joint shown in the proposed drawing in the new figure 9. The original disclosure does not teach the specificities of having the line 42 extending between the fold line of the two minor flaps.

With respect to the drawings, as set forth above, the original disclosure does not teach the specificities of the thickness of portions 55, 56, 11, 15, and the dimensions of portions 8 and 9.

With respect to the 112, 1st paragraph rejections, as set forth above, the original disclosure does not teach the knockout being defined by an absent of any coating material. The original disclose knockouts 9 are defined by "uncoated portions", but not "any coating material". The "uncoated portions" can be construed as a lack of coating of a specific type of coating. The recitation "any coating material" add specificities to the application by excluding any material at all. The specification does not teach the knockouts as the exclusions of any material.

It is noted that claim 35 is meant to be rejected under 35 U.S.C. 103(a) as being unpatentable over Buttery (3281054) in view of Buttery (3281059). It is obvious that claim 35 was mistyped in to “36”.

With respect to the Buttery (3281054) in view of Buttery (3281059) rejection, as set forth above, Buttery ‘059 further teaches the plurality of uncoated knockouts can be substitute by a stripe 17 (col. 4, ln. 46, 63). Furthermore, the claim recites an uncoated stripe extending through the knockouts (which are areas that are uncoated). The result of the uncoated stripe would result in one uncoated knockout area, and constitute one stripe as taught by Buttery ‘059.

With respect to the Thresher reference, it is noted that applicant argues against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

With respect to the Cassidy reference, the term knockout is broad, the term knockout is defined by the absent of coatings, clearly there are areas that have abseal coating and areas that do not have abseal coatings, the areas that do not have abseal coating are the knockout areas as claimed.

With respect to the Buttery’ 054 combination, it is noted that the term “access flap” and manufacturer joint is broad, the two attached panels in Buttery ‘054 would meet this definition.

14. With respect to the Struble reference, as set forth above, Either Buttery ‘059 or Buttery ‘054 teaches that it is known in the art to provide a coating for a container except at the

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isolated adhesive area. It would have been obvious to one of ordinary skill in the art to provide knockouts at the adhesive area in Struble as taught by Buttery to facilitate better bonding.

It would have been obvious to one of ordinary skill in the art to provide knockouts at the adhesive area in Struble as taught by Buttery to facilitate better bonding.

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

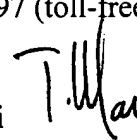
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tri M. Mai
Primary Examiner
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A handwritten signature in black ink, appearing to read 'T. Mai', is positioned above the printed name 'Tri M. Mai'.